

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.01.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.1458 of 2020

J.Bhuvaneswari

.. Petitioner

-vs-

1. The Inspector of Police,
B-2 R.S.Puram Police Station,
R.S. Puram,
Coimbatore - 641 002.

2. J.Venkatesh

3. V.Deepa Prabhu

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to provide adequate police protection to the petitioner's property for removal of sand dumped by the 2nd and 3rd respondents from the petitioner's sump and restore to the previous condition.

For Petitioner : Mr.R.Suryaprakash

For Respondent s : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This petition has been filed to direct the first respondent to provide police protection to remove the sand dumped by the respondents 2 and 3 from the petitioner's sump and restore to the previous condition.

2. The learned counsel for the petitioner has submitted that already the petitioner has filed a suit against the respondents 2 and 3 in OS.No.1062 of 2018 on the file of District Munsif, Coimbatore for the relief of permanent injunction to restrain the respondents 2 and 3 herein from interfering with the peaceful possession and enjoyment of the property. He further submitted that the petitioner has also filed an application seeking interim injunction in which the learned District Munsif has granted ad-interim injunction and

subsequently since there was no representation on behalf of the petitioner, the said interim injunction was not extended. He further submitted that the petitioner is not able to enjoy the sump, since the respondents 2 and 3 dumped waste materials along with sand and hence he requests to direct the first respondent to provide police protection to remove the dumped sand and restore to its previous condition.

3. Per contra, the learned Additional Public Prosecutor has submitted that since already the petitioner has approached the Civil Court and also obtained interim injunction, he can get the police protection from the Civil Court itself.

4. Admittedly the petitioner has already filed a suit before the Civil Court and also obtained interim injunction but it was not extended subsequently. Any how the petitioner has to approach the Civil Court and get extension of interim injunction and thereafter if she feels any difficulty in enforcing the said injunction order, she can very well file petition under section 151 C.P.C before the Civil Court for police aid and instead of that she cannot file this kind of petition before this court.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

drl

To

1. The Inspector of Police,
B-2 R.S.Puram Police Station,
R.S. Puram,
Coimbatore - 641 002.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Suryaprakash, Advocate SR.No.5139

CRL.O.P.No.1458 of 2020

MG(CO)
GMY(17/03/2020)